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RESPONSE TO USPTO DETAILED ACTION DOCUMENT

EXAMINER: MR THIEN MINH LE
APPLICATION NUMBER: 09/752,323
FILING DATE: 12/22/2000
FIRST NAMED INVENTOR: BADEN EUNSON
CONFIRMATION NO. 8043
ART UNIT: 2876

Dear Mr Le:

Thank you for your detailed action document, mailed 12 September, 2002. My initial response is as follows. I am not an expert in patent drafting, and would like to follow up this document with a telephone call to you to determine whether I have correctly understood the conventions and protocols of this process.

As I read them, my Claims 4-5 do not in fact relate to allowing of authorized copies or prevention of unauthorized copies: not only is access to photocopying open in this system I am proposing, but in fact more, rather than less, photocopying might well be to the financial advantage of copyright holders.

As I understand Schach's patent, it concerns a personalized book kit containing a questionnaire; one of the purposes of the patent seems to be to the prevention of fraud (1/64), this being done by using difficult to accurately photocopy paper and/or a serial number (e.g., in bar code format) (2/1-2). The bar code Indicia, if used at all, seems to serve the purpose of uniquely identifying a particular questionnaire so that a person may not illegally reproduce the questionnaire and thereby fraudulently obtain a personalized book.

As I understand Allen's patent, it concerns a security system, allowing selective reproduction or blocking of reproduction (11/27) using a specialized apparatus and special copying paper. Users attempting to use the system must have a security clearance and an ID number (1/34-36, 3/64-66) to even begin the process. Allen states that one object of this invention is to improve upon the security systems of the prior art, and this is primarily because confidential documentation is the focus of the process.

I think that the differences between what I am claiming and what has been claimed by Allen and Schach are not "merely subjective," but in fact objective. Their systems are

- for the purposes of blocking or restriction
- active
- mechanical.

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In contrast, the system I am proposing is

- for the purposes of monitoring and tolling, or charging of a fee
- passive
- partly mechanical (the technical specifics of which I do not give)
- partly dependent on social/institutional arrangements: if the social/institutional factors are not in place, then the bar code indicia are useless.

To meet objections raised in the examination, the following is proposed:

(1) The abstract is reworded to read:

An intellectual property identification and recording system can be used to monitor reproduction of material and to charge a fee for such reproduction. Such a system is not mechanical and active, designed to prohibit, discourage or restrict access to reproduction, but is in fact passive and is dependent upon mechanical systems linked to systems of human-institutional agreements and procedures. Printed material such as pages from a book or serial, or a work of art, can be identified by indicia such as a machine readable bar code inserted into the material. Reading or scanning devices placed in photocopiers or other machinery of reproduction can recognize such data, and such data can then be recorded as a basis for audit. Such data can then be used as a basis for calculating a fee or payment to creators and/or copyright holders of intellectual property whose property is reproduced. Such fees or payments would be the product of arrangements negotiated between stakeholders in the total process.

(2) Claims 4 and 5 would be combined and re-worded to read:

A system comprised partly of apparatus and partly of a negotiated series of tolling protocols that allows intellectual property to be identified by means of machine-readable indicia such as bar coding, and then permits auditing of mechanical reproduction of any and all such property, such property being of either a confidential or non-confidential nature, and such mechanical reproduction being conducted on an open access or unhindered basis, for the purpose of facilitating financial compensation to intellectual property owners and managers.

Claim 6 would be re-worded to read:

An intellectual property identification and recording system, based on free and unrestricted access to reproduction of intellectual property, allowing for the specific registration of unique items of intellectual property, such registration being an aid to the auditing of mechanical reproduction of such property, and such auditing in turn creating a basis for financially compensating the creators of such intellectual property.

Yours sincerely,

Baden Eunson

Enc.